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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

JIMMIE G. BILES, JR., MD,

Plaintiff

v.

JOHN H. SCHNEIDER and MEDPORT, LLC,

Defendants

CAUSE NO. 19-CV-48-F

**MOTION FOR EXTENSION OF TIME TO
RESPOND TO PLAINTIFF'S MOTION
FOR PARTIAL SUMMARY JUDGMENT
ON PLAINTIFF'S BREACH OF
CONTRACT CLAIM**

Defendant Medport, LLC ("Medport"), by and through its counsel, Granite Peak Law, PLLC ("Granite Peak"), hereby moves this court for its order extending the time for Defendants Medport and John H. Schneider ("Schneider") to respond to Plaintiff's Motion for Partial Summary Judgment on Plaintiff's Breach of Contract Claim (Doc. 74), which was filed on March 26, 2020. Medport has twenty-one days to respond to this Motion, or until Thursday April 16, 2020. Rule 6(b) F.R.Civ.P. allows this court to extend Defendants' time to respond for "good cause" because this motion is being made before the original time to respond will expire.

Medport and Schneider seek a 30-day extension because of the lockdown that has occurred among inmates within the custody of the Bureau of Prisons ("BOP") as a result of the COVID-19 pandemic, which has greatly restricted the ability of Defendants to respond to Plaintiff's Motion in

a timely manner. Counsel for Medport requested consent from Plaintiff's counsel, which was refused.

Local Rule 1.6(e) directs that any motion for extension of time shall state the reason, the date certain for the requested extension, and the total number of extensions previously granted. Medport has not been previously granted any extensions related to this motion, and was granted one extension to file its original Answer (Doc. 27). Medport seeks an extension to respond to Plaintiff's Motion for Partial Summary Judgment through Saturday, May 16, 2020.

As a result of the Covid-19 outbreak, the Bureau of Prisons has implemented modified operations. See https://www.bop.gov/coronavirus/covid19_status.jsp. On their website, the BOP states that, "in order to mitigate the spread of COVID-19, the BOP is operating under the following conditions for the next 30 days." The BOP then lists the following restrictions:

- 1) Inmate social visits suspended;
- 2) Inmate movement suspended with limited exceptions;
- 3) Legal visits suspended for 30 days, at which time the suspension will be re-evaluated.
- 4) Modified Operations – BOP is maximizing social distancing within facilities, including staggered meal times, recreation times, and similar actions.

Dr. Schneider has informed counsel that he is in "lockdown" with very restricted CorrLinks email communication access as part of the modified operations procedures implemented by the BOP. While previous communication with Schneider through CorrLinks has been difficult and slow, with the lockdown in place such communication is now even more restricted, making effective communication with Dr. Schneider nearly impossible. Dr. Schneider has not been able to meaningfully respond to recent inquiries from counsel, greatly prejudicing an already strained ability for Defendants to timely and accurately respond to Plaintiff's Motion and recent discovery inquiries.

Given these extraordinary circumstances greatly limiting Schneider's ability to communicate with counsel electronically, good cause exists to extend the time for Defendants to respond to Plaintiff's Motion for Partial Summary Judgment. Defendants believe a 30-day extension of time to respond is appropriate to allow mailed correspondence to occur between Schneider and counsel. Recent communications that Schneider says he mailed over a week ago have not arrived, leading one to believe that all BOP operations have been delayed because of this pandemic. This further supports the need for a 30-day extension to attempt to work within the restrictions imposed by these circumstances. A proposed order is submitted herewith.

Respectfully submitted this 15th day of April, 2020.

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Certificate of Service

I hereby certify that on the 15th day of April 2020, a copy of the foregoing document was served on the following persons via CM/ECF:

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